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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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9 ERNESTINE KAHALEKAI, an } 2:10-CV-1889 PMP-LRL
10 individual; HERBERT KAHALEKAI, }
11 an individual; DARREN DUNG, an }
12 individual; BARNEY BRUCKEN, an }
individual; MICHAEL KAWAIAEA, an }
individual; MFK UNLIMITED, LLC, }
a Nevada limited liability company, }

ORDER

13 Plaintiffs,

14 vs.

15 PAULETTE KIMURA-SHIMABUKURO, }
16 a.k.a. PAULETTE SHIMABUKURO, an }
17 individual; JAIMEE YOSHIZAWA, an }
individual; GRAND CANYON II LLC, a }
Nevada limited liability company; JAIMEE }
YOSHIZAWA INC., d/b/a PACIFIC }
CONCEPTS, a Nevada corporation, }

19 Defendants.

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21 Before the Court for consideration is Defendants' fully briefed Motion to
22 Dismiss Plaintiffs' Third and Seventh Causes of Action for a Failure to State a
23 Claim Upon Which Relief Can Be Granted (Doc. #7). Specifically, Defendants'
24 contend that the Plaintiffs' Third and Seventh Causes of Action fail to allege
25 fraudulent misrepresentation and civil conspiracy with intent to defraud with the
26 requisite particularity.

1 The Court finds that the viability of Plaintiffs' Third and Seventh Causes of
2 Action will undoubtedly be clarified through the discovery process, and the claims as
3 stated are sufficiently pled.

4 **IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss
5 Plaintiffs' Third and Seventh Causes of Action for a Failure to State a Claim Upon
6 Which Relief Can Be Granted (Doc. #7) is **DENIED**.

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8 DATED: December 20, 2010.

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11 PHILIP M. PRO
United States District Judge

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